

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the U.S. Application of:

Mark KOGEN, et al.

Group Art Unit: To Be Assigned

Serial No.: 10/657,655

Examiner: To Be Assigned

Filed: September 8, 2003

For: METHOD AND SYSTEM FOR CERTIFICATE DELIVERY AND
MANAGEMENT

DECLARATION OF FACTS UNDER 37 C.F.R. §1.47(a)

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Missing Parts
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

1. This declaration is submitted in support of the accompanying Petition Under 37 C.F.R. §1.47(a).
2. Mr. Herve Garcia, a named inventor, cannot be located to join in the present application and sign the needed declaration.
3. I have made diligent efforts to obtain the signature of Mr. Garcia on the needed declaration in the above-identified application, but was unable to locate him. Upon information and belief, Mr. Garcia no longer works with the assignee of this invention and application, Citicorp Development Center, Inc.
4. On May 11, 2004, I sent a letter to Mr. Garcia by UPS forwarding a copy of the declaration, a copy of the application as filed, and an assignment executed by Mr. Garcia on November 8, 2002, assigning his rights to the invention to Citicorp Development Center, Inc. I requested that he execute the necessary documentation for filing and return that documentation to me by May 19, 2004 in the UPS envelope provided to him (see Exhibit A). The executed assignment also shows his agreement to cooperate with Citicorp Development Center, Inc., and its assignees, to obtain proper patent protection for the invention.

5. An Exception Notice was received by Jeanne Paolella-Bald of our office, via email, on May 12, 2004, from UPS notifying us that they were unable to make delivery on May 12, 2004 because “the receiver was unavailable to sign on the 1st delivery attempt.” They also stated that a second delivery attempt would be made on May 13, 2004 (see Exhibit B). A second Exception Notice was received by Jeanne Paolella-Bald of our office, via email, on May 13, 2004, from UPS notifying us that they were unable to make delivery on May 13, 2004 because “the receiver was not available to sign on the 2nd delivery attempt.” They also stated that a third delivery attempt would be made on May 14, 2004 (see Exhibit C). A third Exception Notice was received by Jeanne Paolella-Bald of our office, via email, on May 14, 2004, from UPS notifying us that “the receiver has moved” and that “UPS was unable to contact the receiver” (see Exhibit D). The undelivered package sent via UPS on May 11, 2004 was returned to our office on Friday, May 21, 2004 (see Exhibit E).

6. Filing of the above-identified application without Mr. Garcia’s signature is necessary to preserve the rights of the parties and to prevent irreparable damage. A response to the Notice to File the Missing Parts for the application is due with a four-month extension of time by June 8, 2004. Failure to grant this petition may result in the Patent and Trademark Office deeming the application abandoned, thus irreparably harming the assignee, Citicorp Development Center, Inc..

7. Mr. Garcia’s last known mailing address is:

Mr. Herve Garcia
5736 Las Virgenes Road, Apartment 128
Calabasas, CA 91302

8. On information and belief, Mr. Herve Garcia was a former employee of Citicorp Development Center, Inc..

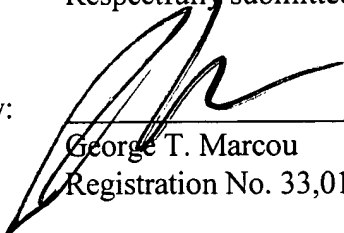
9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that the statements are made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: 6/4/04
KILPATRICK STOCKTON LLP
607 14th Street, N.W., Suite 900
Washington, D.C. 20005
(202) 508-5846

By: _____


George T. Marcou
Registration No. 33,014

T0091/250093
WSHLIB01:190187

assignment executed by Mr. Garcia on November 8, 2002 assigning his rights to the invention to Citicorp Development Center, Inc., and requesting that he execute the Declaration for filing and return it to us in the envelope provided by May 19, 2004 (no executed documents were received by the deadline date). The executed assignment also shows his agreement to cooperate with Citicorp Development Center, Inc., and its assignees, to obtain proper patent protection for the invention;

B. An Exception Notice was received by Jeanne Paolella-Bald of our office, via email, on May 12, 2004, from UPS notifying us that they were unable to make delivery on May 12, 2004 because “the receiver was unavailable to sign on the 1st delivery attempt.” They also stated that a second delivery attempt would be made on May 13, 2004;

C. A second Exception Notice was received by Jeanne Paolella-Bald of our office, via email, on May 13, 2004, from UPS notifying us that they were unable to make delivery on May 13, 2004 because “the receiver was not available to sign on the 2nd delivery attempt.” They also stated that a third delivery attempt would be made on May 14, 2004;

D. A third Exception Notice was received by Jeanne Paolella-Bald of our office, via email, on May 14, 2004, from UPS notifying us that “the receiver has moved” and that “UPS was unable to contact the receiver.”

E. A copy of the undelivered package sent via UPS on May 11, 2004 and returned to our office on Friday, May 21, 2004, as well as the Exception Notice received from UPS on May 20, 2004 showing that the package was returned to Kilpatrick Stockton;

2. The last known address of Mr. Garcia is set forth in the attached Declaration of Facts by George Marcou;

3. The Declaration signed by the remaining inventors under 37 C.F.R. §1.47(a) is submitted herewith; and

4. The fee in the amount of \$130.00 for this Petition Under 37 C.F.R. §1.47(a) is included herewith.

In view of the foregoing, it is respectfully submitted that Kilpatrick Stockton has made an attempt to contact Mr. Garcia and was unable to locate him to obtain his signature on the necessary document. It is, thus, most respectfully requested that the Patent Office grant this Petition Under 37 C.F.R. §1.47(a).

Early consideration and granting of this petition is most respectfully requested. The Patent Office is encouraged to contact the undersigned in the event that the Patent Office desires to discuss any aspect of this invention. In the event that any fees are due in connection with this submission, please charge and/or credit our Deposit Account number 501458.

Respectfully submitted,

DATE:

6/7/04

George I. Marcou
Registration No. 33,014

KILPATRICK STOCKTON LLP
607 14th Street, N.W., Suite 900
Washington, D.C. 20005
(202) 508-5846

Docket No. CITI0262



DAC 184

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of:

Mark KOGEN, et al.

Group Art Unit: To Be Assigned

Serial No.: 10/657,655

Examiner: To Be Assigned

Filed: September 8, 2003

For: METHOD AND SYSTEM FOR CERTIFICATE DELIVERY AND
MANAGEMENT

PETITION UNDER 37 C.F.R. §1.47(a)

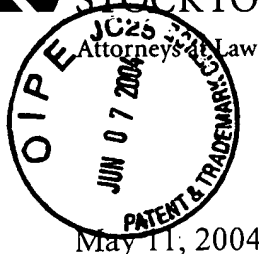
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Missing Parts
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

The undersigned hereby petitions under 37 C.F.R. §1.47(a) to proceed without Mr. Garcia, one of the inventors in this application, because Mr. Garcia cannot be located to join in and sign the needed declaration. In support of this Petition, the following is submitted herewith.

1. A Declaration of Facts by George T. Marcou regarding Kilpatrick Stockton's attempt to locate Mr. Garcia to sign and join in this application and evidencing the need to file without his signatures in order to prevent irreparable damage and to preserve the rights of the parties, said Declaration including the following Exhibits:

A. A copy of a letter sent, via UPS, to Mr. Garcia on May 11, 2004 forwarding the Declaration for his signature, a copy of the application as filed, and an



May 11, 2004

Suite 900 607 14th St., NW
Washington DC 20005-2018
t 202 508 5800 f 202 508 5858
www.KilpatrickStockton.com

direct dial 202 508 5846
direct fax 202 585 0009
GMarcou@KilpatrickStockton.com

VIA UPS

CONFIDENTIAL

Mr. Herve Garcia
5736 Las Virgenes Road, Apartment 128
Calabasas, CA 91302

Re: U. S. Patent Application Serial No. 10/657,655
Filing Date: September 8, 2003
For: METHOD AND SYSTEM FOR CERTIFICATE DELIVERY AND
MANAGEMENT
Our Ref.: T0091/250093 (CITI0262)

Dear Mr. Garcia:

I represent Citicorp Development Center, Inc. in the above-identified application, and enclosed is a copy of the Declaration form and the application as filed. Please review the confidential copy of the application and sign and date the Declaration form in the place shown and return the executed Declaration to me in the enclosed UPS envelope. Please return this document to me by May 19, 2004 so that we may respond to a filing deadline imposed by the Patent and Trademark Office.

For your convenience, we also are enclosing a copy of the assignment document executed by you, assigning your rights in the subject invention to Citicorp Development Center, Inc. You may wish to review this document with regard to your agreement to cooperate with Citicorp Development Center, Inc., and its assignees, to obtain proper patent protection for the invention

The confidential application (copy enclosed) was filed on September 8, 2003.

Mr. Herve Garcia
May 11, 2004
Page 2

If you have any questions, please contact me at 202-508-5846.

Best regards.

Very truly yours,

A handwritten signature in cursive script, reading "George T. Marcou". The signature is written in dark ink and is positioned above the printed name.

George T. Marcou

Enclosures

ASSIGNMENT

WHEREAS, Mark KOGEN, Herve GARCIA, Fred PINN, Elton LIN, and Warren TAN (referred to as "ASSIGNORS") has invented certain new and useful improvements in an invention entitled METHOD AND SYSTEM FOR CERTIFICATE DELIVERY AND MANAGEMENT,

☒ for which a provisional application for a United States Patent was filed with the United States Patent and Trademark Office on September 6, 2002, Serial Number 60/408,616;

☐ for which an application for a United States Patent is being submitted to the United States Patent and Trademark Office herewith; and

WHEREAS, CITICORP DEVELOPMENT CENTER, INC., a corporation doing business at 12731 W. Jefferson Boulevard, Los Angeles, California 90066 (hereinafter referred to as the "ASSIGNEE"), is desirous of acquiring the entire right, title and interest in and to said invention, and in and to said application and any Letters Patent that may issue thereon;

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell and transfer to said ASSIGNEE, and to ASSIGNEE'S successors and assigns, ASSIGNORS' entire right, title and interest in and to said invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any patent application claiming priority to the application, or any continuation, division, continuation-in-part, reexamination, renewal, substitute, extension or reissue thereof or any legal equivalent thereof in a foreign country for the full term of terms for which the same may be granted; and authorize and request the Commissioner of Patents of the United States and any official of

any foreign country whose duty it is to issue patents or legal equivalents thereto, to issue same for this invention to ASSIGNEE, its lawful successors and assigns.

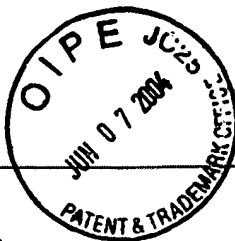
ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and signed on the date indicated below:

SIGNATURE(S)

The signature(s) must correspond with the name(s) of the inventor(s) above.

	<u>INVENTOR(S)</u>	<u>DATE SIGNED</u>
1)	_____ Mark KOGEN	_____
2)	_____ Herve GARCIA	11/8/2002
3)	_____ Fred PINN	_____
4)	_____ Elton LIN	_____
5)	_____ Warren TAN	_____



Paolella-Bald, Jeanne

From: QuantumViewNotify@ups.com
Sent: Wednesday, May 12, 2004 2:24 PM
To: Paolella-Bald, Jeanne
Subject: UPS Exception Notification, Tracking Number 1Z2899950193219257

***Do not reply to this e-mail. UPS and Kilpatrick Stockton LLP will not receive your reply.

At the request of Kilpatrick Stockton LLP, this notice alerts you delivery of the following shipment has been rescheduled.

Important Delivery Information

Rescheduled Delivery Date: 13-May-2004

Exception Reason: THE RECEIVER WAS UNAVAILABLE TO SIGN ON THE 1ST DELIVERY ATTEMPT. A 2ND DELIVERY ATTEMPT WILL BE MADE

Exception Status/Resolution: PACKAGE WILL BE DELIVERED NEXT BUSINESS DAY-NO SATURDAY GUARANTEE (RESOLUTION)

Shipment Detail

Ship To:
Herve Garcia
5736 Las Virgenes Road
Apartment 128
CALABASAS
CA
913022658
US

UPS Service: NEXT DAY AIR
Shipment Type: Letter

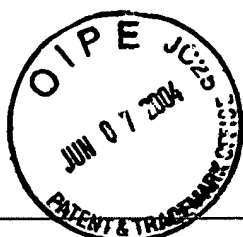
Tracking Number: 1Z2899950193219257
Reference Number 1: 250093

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5/19/2004

2@@2@@2K895wcwUgR9OTOORa.ROr6WXO0R_2XiH7_9iH_9Czi9Z



Paolella-Bald, Jeanne

From: QuantumViewNotify@ups.com
Sent: Thursday, May 13, 2004 4:05 PM
To: Paolella-Bald, Jeanne
Subject: UPS Exception Notification, Tracking Number 1Z2899950193219257

***Do not reply to this e-mail. UPS and Kilpatrick Stockton LLP will not receive your reply.

At the request of Kilpatrick Stockton LLP, this notice alerts you delivery of the following shipment has been rescheduled.

Important Delivery Information

Rescheduled Delivery Date: 14-May-2004

Exception Reason: THE RECEIVER WAS NOT AVAILABLE TO SIGN ON THE 2ND DELIVERY ATTEMPT. A 3RD DELIVERY ATTEMPT WILL BE MADE

Exception Status/Resolution: PACKAGE WILL BE DELIVERED NEXT BUSINESS DAY-NO SATURDAY GUARANTEE (RESOLUTION)

Shipment Detail

Ship To:
Herve Garcia
5736 Las Virgenes Road
Apartment 128
CALABASAS
CA
913022658
US

UPS Service: NEXT DAY AIR
Shipment Type: Letter

Tracking Number: 1Z2899950193219257
Reference Number 1: 250093

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5/19/2004

____2@@@2@@@2q8YHxIx7QfYtMttfE4ftB9VWtCfP.WKrFPYKrPYDsKYp____



Paolella-Bald, Jeanne

From: QuantumViewNotify@ups.com
Sent: Friday, May 14, 2004 11:25 PM
To: Paolella-Bald, Jeanne
Subject: UPS Exception Notification, Tracking Number 1Z2899950193219257

***Do not reply to this e-mail. UPS and Kilpatrick Stockton LLP will not receive your reply.

At the request of Kilpatrick Stockton LLP, this notice alerts you delivery of the following shipment has been rescheduled.

Important Delivery Information

Rescheduled Delivery Date: 17-May-2004
Exception Reason: THE RECEIVER HAS MOVED. UPS ATTEMPTING TO LOCATE RECEIVER TO COMPLETE DELIVERY, NO DELIVERY WAS MADE
Exception Status/Resolution: UPS WAS UNABLE TO CONTACT THE RECEIVER (STATUS)

Shipment Detail

Ship To:
Herve Garcia
5736 Las Virgenes Road
Apartment 128
CALABASAS
CA
913022658
US

UPS Service: NEXT DAY AIR
Shipment Type: Letter

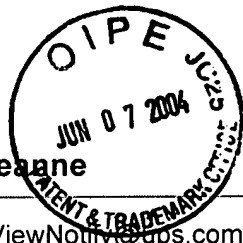
Tracking Number: 1Z2899950193219257
Reference Number 1: 250093

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5/19/2004

2@2@258Nk9C9STENU5UUEZqEURoOKUnEvBKIdwvNI dvN84ING



Paolella-Bald, Jeanne

From: QuantumViewNotify@ups.com
Sent: Thursday, May 20, 2004 2:23 PM
To: Paolella-Bald, Jeanne
Subject: UPS Exception Notification, Tracking Number 1Z2899950193219257

***Do not reply to this e-mail. UPS and Kilpatrick Stockton LLP will not receive your reply.

At the request of Kilpatrick Stockton LLP, this notice alerts you delivery of the following shipment has been rescheduled.

Important Delivery Information

Exception Reason: THE RECEIVER HAS MOVED. UPS ATTEMPTING TO LOCATE RECEIVER TO COMPLETE DELIVERY, NO DELIVERY WAS MADE
Exception Status/Resolution: PACKAGE RETURNED TO SENDER (RESOLUTION)

Shipment Detail

Ship To:
Herve Garcia
5736 Las Virgenes Road
Apartment 128
CALABASAS
CA
913022658
US

UPS Service: NEXT DAY AIR
Shipment Type: Letter

Tracking Number: 1Z2899950193219257
Reference Number 1: 250093

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5/21/2004

Docket No. CITI02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of:

Mark KOGEN, et al.

Group Art Unit:

Serial No.: 10/657,655

Examiner:

To Be Assigned

Filed: September 8, 2003

For: METHOD AND SYSTEM FOR CERTIFICATE DELIVERY AND
MANAGEMENT

**ADDED PAGE TO DECLARATION FOR SIGNATURE BY
JOINT INVENTOR(S) ON BEHALF OF
NONSIGNING INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT
BE REACHED (37 C.F.R. 1.47(a))**

I. I am an above-named joint inventor and have signed this Declaration on my own behalf and also sign this Declaration under 37 C.F.R. §1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full Name of (first, second, etc.) Herve Garcia
nonsigning inventor who

- ☐ refuses to sign
☒ cannot be found or reached

UNITED STATES OF AMERICA
Country of Citizenship of nonsigning inventor

5736 Las Virgenes Road, Apartment 128
Last Known Address of nonsigning inventor

Calabasas, CA 91302

II. Accompanying this Declaration is:

- (1) A Declaration Under 37 C.F.R. §1.47(a);

(2) A Petition Under 37 C.F.R. §1.47(a); and

(3) The Petition fee of \$130.00.

- | | | | |
|----|------------|----------------------|------------------|
| 1. | Mark KOGEN | Date: _____ | _____ |
| 2. | Fred PINN | Date: _____ | _____ |
| 3. | Elton LIN | Date: <u>5/30/04</u> | <u>Elton LIN</u> |
| 4. | Warren TAN | Date: _____ | _____ |

Docket No. CITI020

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of:

Mark KOGEN, et al.

Group Art Unit:

Serial No.: 10/657,655

Examiner: To Be Assigned

Filed: September 8, 2003

For: METHOD AND SYSTEM FOR CERTIFICATE DELIVERY AND
MANAGEMENT

**ADDED PAGE TO DECLARATION FOR SIGNATURE BY
JOINT INVENTOR(S) ON BEHALF OF
NONSIGNING INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT
BE REACHED (37 C.F.R. 1.47(a))**

I. I am an above-named joint inventor and have signed this Declaration on my own behalf and also sign this Declaration under 37 C.F.R. §1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full Name of (first, second, etc.) Herve Garcia
nonsigning inventor who

- ☐ refuses to sign
☒ cannot be found or reached

UNITED STATES OF AMERICA
Country of Citizenship of nonsigning inventor

5736 Las Virgenes Road, Apartment 128
Last Known Address of nonsigning inventor

Calabasas, CA 91302

II. Accompanying this Declaration is:

- (1) A Declaration Under 37 C.F.R. §1.47(a);

(2) A Petition Under 37 C.F.R. §1.47(a); and

(3) The Petition fee of \$130.00.

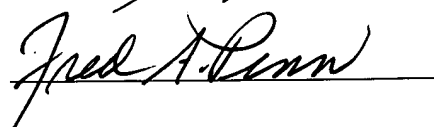
1. Mark KOGEN

Date: 5/21/04



2. Fred PINN

Date: 5/28/04



3. Elton LIN

Date: _____

4. Warren TAN

Date: 05/27/04

